

March, 2004

## **Habilitation Services Program (HSP) Transfer Progress Report**

### **Legislation:**

- The Department continues to monitor the current legislative sessions (special and regular) addressing California's budget shortfall and any actions that will impact work services to persons with developmental disabilities. As of the date of this report, neither the Assembly nor the Senate has taken such action.

### **Rulemaking (Regulations):**

- Both Agency and Department of Finance staff informed DDS there would be a delay in completing the review of the Habilitation regulations package due to the priority status given to the review and approval of Budget Year Finance Letters. Once approved by Agency and DOF, the regulations will be filed with the Office of Administrative Law (OAL).
- DDS has posted a draft copy of the regulations on the DDS website ([www.dds.ca.gov](http://www.dds.ca.gov)) for your review. The draft copy of the Habilitation regulations are located under the title "Habilitation Services" which is found within the "Featured Link" column of the DDS home page website. We still plan to mail copies of the regulations to stakeholder organizations and post the official copy of the regulations on our website once they have completed the OAL review process. As noted in previous reports, under the emergency rule-making process, after OAL approves the regulations a public comment period on the regulations will follow before the regulations become final. DDS staff has already begun preparing the Habilitation regulations Notice of Proposed Rulemaking package for this purpose.
- As indicated, we plan to post FAQs and our responses on the DDS website after the regulations have been officially accepted by OAL.

### **Medicaid Waiver Amendment**

- A "technical" amendment has been prepared and submitted to the Department of Health Services. This amendment identifies the Department of Developmental services as the agency responsible for administering habilitation services, rather than the Department of Rehabilitation. The amendment will be submitted to CMS once the emergency regulations have been promulgated with a July 1, 2004 start date.

## Training Curriculum:

- On March 3, 2004, members of the Habilitation training team presented an overview of the Habilitation Train-the-Trainer training curriculum to the regional center Chief Counselors. This presentation included a description and sample of the Habilitation services billing procedure including, billing for Supported Employment Program group services. Areas of the training that hi-lighted the need for coordination among DDS and the Regional Centers were identified (i.e. DDS approval of new supported employment groups). Chief Counselors agreed to facilitate the identification of a habilitation liaison at their regional center, and ensure that this person(s) name is reported at the Habilitation Train-the-Trainer training.
- On March 18, 2004, the first of six scheduled trainings was held at Central Valley Regional Center. In addition to Central Valley Regional Center, participating regional centers included Kern Regional Center, Valley Mountain Regional Center and Tri-Counties Regional Center. Feedback from the participants indicates the training topics covered in the presentations from DOR and DDS staff was on target. Consequently, the participating regional centers decided that their follow-up training on April 14, 2004 would be cancelled. Future trainings are scheduled at:
  - Inland Regional Center on March 30, 2004,
  - North Bay Regional Center on April 1, 2004,
  - DDS/Sacramento on April 7, 2004, and
  - San Gabriel/Pomona regional Center on April 20, 2004.

Please note that DDS is encouraging participants who miss the scheduled training in their area to attend the training session in Sacramento on 4/7/04.

- The training curriculum material that will be presented has been posted on the DDS website. DDS will provide a CD to each participating regional center containing all the curriculum documents. This material is in several formats, including, Word, Excel, Portable Document Format (PDF) and Power Point. For curriculum material that undergoes revisions during the course of the training schedule, DDS will have an updated version on the website prior to the next training date. **Regional centers may provide training material for their participants by downloading and reproducing this material from the DDS website, as needed.**
- We continue to ask that regional centers send the following information on each attendee to Mike Kulisek via his e-mail address, [mkulisek@dds.ca.gov](mailto:mkulisek@dds.ca.gov).
  - Name of attendee,
  - Position and/or working title,
  - Telephone number, and
  - E-mail address.

- DDS continues to request input from regional centers, vendors and other stakeholder organizations on questions they would like answered or covered in the training sessions related to the Habilitation transfer. Select questions from the March 18<sup>th</sup> meeting above will be added to the FAQ list. We will not post the FAQ list until our regulation package has been approved by OAL. Questions can be sent to DDS via fax (916-654-2192) or e-mail [WorkServices@dds.ca.gov](mailto:WorkServices@dds.ca.gov).

### **Implementation Activities:**

- On March 11, 2004, DDS forwarded DOR facility file information to regional centers that included audit reports, CARF and Certification reports.
- On March 12, 2004, DDS mailed to regional centers a list of the Habilitation service providers, their Federal ID numbers and each Work Activity Program's rate. Since Supported Employment Program (SEP) rates are set in statute, we are enclosing a copy of the relevant statutes related to SEP service rates.
- On March 16, 2005, DDS met with its stakeholders, the California Rehabilitation Association and the Association for Regional Center agencies to discuss the process for billing and payment of habilitation services, including group-supported employment. The meeting participants concurred that the billing procedures and related documentation (with minor modifications prior to the scheduled transfer date of 7/1/04) is sufficient for ensuring appropriate payment for habilitation services.
- On March 16, 2004, DDS mailed to regional centers an up-dated list of the names of the Habilitation programs in their area. However, we are aware that this list is still not 100% accurate and, therefore, we appreciate being notified of errors so that we can compile an accurate statewide listing of all Habilitation programs by regional center catchment areas.
- On March 16, 2004, DDS mailed an up-dated list to regional centers of consumers receiving Habilitation services. Questions about the list should be referred via e-mail to Denyse Curtright at [dcurtrig@dds.ca.gov](mailto:dcurtrig@dds.ca.gov).
- DDS continues to post all current and past Habilitation transfer progress reports on the DDS web site.
- DDS and DOR Habilitation Transfer Project meeting was convened on Wednesday, March 10, 2004.
- **As noted in the last report, the delay in the CADDIS roll out means that regional centers should go ahead and begin assigning habilitation vendor numbers in UFS. These vendor numbers will be converted by CADDIS once it rolls out.**

## EXCERPT FROM DIVISION 4.5 OF THE W & I CODE

### CHAPTER 13. HABILITATION SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

#### Section 4860

4860. (a) (1) The hourly rate for supported employment services provided to consumers receiving individualized services shall be twenty-seven dollars and sixty-two cents (\$27.62).

(2) Job coach hours spent in travel to consumer worksites may be reimbursable for individualized services only when the job coach travels from the vendor's headquarters to the consumer's worksite or from one consumer's worksite to another, and only when the travel is one way.

(b) The hourly rate for group services shall be twenty-seven dollars and sixty-two cents (\$27.62), regardless of the number of consumers served in the group. Consumers in a group shall be scheduled to start and end work at the same time, unless an exception that takes into consideration the consumer's compensated work schedule is approved in advance by the regional center. The department, in consultation with stakeholders, shall adopt regulations to define the appropriate grounds for granting these exceptions. When the number of consumers in a supported employment placement group drops to fewer than the minimum required in subdivision (r) of Section 4851 the regional center may terminate funding for the group services in that group, unless, within 90 days, the program provider adds one or more regional center, or Department of Rehabilitation funded supported employment consumers to the group.

(c) Job coaching hours for group services shall be allocated on a prorated basis between a regional center and the Department of Rehabilitation when regional center and Department of Rehabilitation consumers are served in the same group.

(d) When Section 4855 applies, fees shall be authorized for the following:

(1) A two hundred dollar (\$200) fee shall be paid to the program provider upon intake of a consumer into a supported employment program. No fee shall be paid if that consumer completed a supported employment intake process with that same supported employment program within the previous 12 months.

(2) A four hundred dollar (\$400) fee shall be paid upon placement of a consumer in an integrated job, except that no fee shall be paid if that consumer is placed with another consumer or consumers assigned to the same job coach during the same hours of employment.

(3) A four hundred dollar (\$400) fee shall be paid after a 90-day retention of a consumer in a job, except that no fee shall be paid if that consumer has been placed with another consumer or consumers, assigned to the same job coach during the same hours of employment.

(e) Notwithstanding paragraph (4) of subdivision (a) of Section 4648 the regional center shall pay the supported employment program rates established by this section.